



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

Keith BENSON

Serial No.: 09/638,394

Filing Date: August 15, 2000

Title: IMPROVEMENTS RELATING TO
MOBILE PHONES

Group Art Unit: 2682

Examiner: Unassigned

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

Director of the United States Patent
and Trademark Office
Washington, D. C. 20231

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Technology Center 2600

Sir:

This is a Petition under 37 C.F.R. §1.102 for advancement of examination of the above-captioned application ("Application") on the basis of actual, current and ongoing infringement of the claims presented in the Application. The petition fee under 37 C.F.R. § 1.17(h) is enclosed. The Commissioner is authorized to charge any further fees or credit any overpayments to Deposit Account No. 08-3436.

This petition to make special is being made in accordance with MPEP 708.02(II). In accordance with that section and, as an attorney registered to practice before the U.S. Patent and Trademark Office acting on behalf of Imbros Corporation (Owner of Record of the Application), I hereby allege:

- (A) That Way Systems, Inc. ("Way") is operating a website (www.wayinc.com) that offers products using multi-SIM, multi-Slot, dual-chip and dual-slot implementations on mobile phones that infringe at least claims 8 and 21 of the

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Application. A copy of pages printed from the Way website is included in Appendix A.

(B) That a rigid comparison of the infringing products with claims 8 and 21 of the Application has been made as demonstrated by the claim chart analysis attached as Appendix C.

(C) That a careful and thorough search of U.S. and international prior art has been made. The search included the following U.S. Patent and Trademark Office classes and subclasses:

<u>CLASS</u>	<u>SUBCLASS</u>
235	495
365	63
379	428, 433, 434
455	90, 575

In addition to a complete search of the above subclasses, a computer search was conducted using the U.S. Patent and Trademark Office on-line database. There has also been a careful review of the art identified during the prosecution of U.S. App. No. 08/782,244 (now U.S. Patent 6,292,561), which is the parent of the present Application. The references most closely related to the subject matter of the claims of the Application have previously been made of record through the filing of three Information Disclosure Statements.

On the basis of the foregoing, the Owner of Record respectfully requests the granting of this petition to make special so that the application will be taken up promptly and earnestly solicits an expedited issuance of a notice of allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David E. Baker", written in a cursive style.

David E. Baker
Registration No. 42,285

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**SUBMISSION OF PETITION TO MAKE SPECIAL
AND ACCELERATE EXAMINATION UNDER 37 CFR SECTION 1.102**

Director of the United States Patent and Trademark Office
Box Petitions
Washington, D.C. 20231

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Attached hereto are the following documents:

- 1) A Petition to Make Special and Accelerate Examination Under 37 C.F.R. Section 1.102.
- 2) Check No. 256036 in the amount of \$130.00 for the required fee under 37 C.F.R. Section 1.17(h).
- 3) An Express Mail Certificate and self addressed stamped return postcard.

Should any additional fees be deemed necessary or the attached check becomes detached from this submission, the Commissioner and or Director is authorized to charge Deposit Account No. 08-3436 for such fees.

Respectfully submitted,

David E. Baker
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